

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

MATTHEW SMYER,

Plaintiff,

Case No. 3:20-cv-114

vs.

KROGER LIMITED
PARTNERSHIP I, *et al.*,

District Judge Michael J. Newman
Magistrate Judge Sharon L. Ovington

Defendants.

**ORDER: DENYING PLAINTIFF'S MOTION FOR A DISCOVERY CONFERENCE
(DOC. NO. 51)**

This case is before the Court on Plaintiff's December 23, 2021 motion for a discovery conference. Doc. No. 51. Defendants oppose the request. Doc. No. 52. The Courts finds a reply brief unnecessary. The motion is ripe for review.

Discovery in this matter closed on December 20, 2021. Doc. No. 47. Before that, Judge Ovington held a status conference with the parties to confirm that discovery was complete. Doc. No. 49. Neither party has since moved to reopen discovery, and Plaintiff does not do so in the instant motion. Doc. No. 51. His motion, therefore, is untimely.

Moreover, were Plaintiff to move to reopen discovery, such a request would be meritless. Plaintiff has already received two discovery extensions. Doc. Nos. 36, 41. He has not demonstrated good cause for a third. Accordingly, Plaintiff's motion is **DENIED**. Dispositive motions are due on January 21, 2022.¹

¹ Should any discovery be produced or obtained outside the discovery period, the Court will disregard it at summary judgment, trial, or otherwise. *See* Hon. Michael J. Newman, Standing Order Governing Civil Cases § IV(a).

IT IS SO ORDERED.

Date: December 29, 2021

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge